

DEC 02 2003

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.: 09/941,151
Filed: August 28, 2001
Applicant: Chapoulaud et al.
Art Unit: 3732
Examiner: Melba N. Bumgarner
Title: CUSTOM ORTHODONTIC APPLIANCE FORMING METHOD AND APPARATUS
Attorney Docket: ORM-156CI

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF JOSEPH R. JORDAN
UNDER RULE 131 (37 CFR 1.131)

In support of the response of December 2, 2003, to the office action dated June 2, 2003, the Declarant, Joseph R. Jordan states:

1. The provisional application filed December 29, 1999 contains a number of figures that are copies of photographic prints made from photographic slides that were in my possession prior to November 30, 1999, the filing date of Sachdeva et al. U.S. Patent No. 6,471,512.

2. The slides referred to in paragraph 1 above include Figures 3A, 3B, 4, 4B, 4C, 5, 5A, 5B, 5C, 5D, 5E, 5F, 5G, 6*, 6A*, 6B* and 7D* of the provisional application. (Note that those marked "*" differ from those of the present utility application.) The color and grey scale images shown in these drawings are as they appeared on the slides, but the numbers and other labels of the elements in black were added under my direction to identify elements described in the specification of the application.

3. The figures referred to in paragraph 2 correspond to displayed images on the screen of a computer in the laboratory of Eric Chapoulaud at Ormco Corporation in Glendora, California viewed by me prior to November 30, 1999.

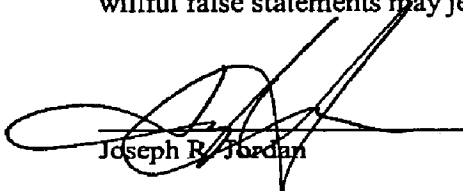
4. When viewing the displays referred to in paragraph 3, Eric Chapoulaud demonstrated to me the operation of the software in the computer that displayed the images to Eric and I by
(1) displaying three-dimensional images of a patient's teeth in a maloccluded state, then
(2) displaying three-dimensional images of the teeth in corrected positions calculated by software then

- (3) interactively entering data through controls on the display, including the entering mouse moves and mouse clicks and typing data into fields in the display, to adjust the positions calculated as referred to in subparagraph (2), then
- (4) displaying three-dimensional images of the teeth in positions recalculated by software in response to the data entered as referred to in subparagraph (3), then
- (5) interactively entering commands through controls on the display accepting the recalculated positions as referred to in subparagraph (4), then
- (6) displaying the design of a custom orthodontic appliance based on the recalculated positions of the teeth as referred to in subparagraph (5), then
- (7) interactively entering data through controls on the display modifying the design of the appliance referred to in subparagraph (6), then
- (8) displaying a modified design of the custom orthodontic appliance based on the data entered as referred to in subparagraph (7).

5. The slides referred to in paragraph 1 above include Figure 7, sheets 2 and 4 of 4; Figure 7A, sheets 1-4 of 4, and Figure 7C. (Note that these differ from those of the present utility application.).

6. Prior to November 30, 1999, I saw actual orthodontic brackets, archwires and bracket placement jigs, as well as intermediate partially manufactured appliances and tools and the forms for making the appliances that are depicted in these figures. Note that Figure 7C depicts a block of material in which are formed an entire set of custom placement jigs and on which is marked the date of June 11, 1997.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Joseph R. Jordan

12/1/2003
Date